

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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RESIDENTIAL CAPITAL, LLC, et al.,  
Post-Effective Date Debtors

Chapter 11

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RESCAP BORROWER CLAIMS TRUST,  
Objector

Case No. 12-12020-mg

v.

TIA DANIELLE SMITH,  
Creditor-Beneficiary

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MOTION TO STAY FILING  
OF THE COMPLETED MOTION FOR RECONSIDERATION OF THIS COURT'S ORDER OF  
JUNE 3, 2016 (DOC. 9917) UNTIL TEN (10) DAYS AFTER THE TRANSCRIPT OF THE  
FEBRUARY 9, 2016 HEARING IS MADE AVAILABLE TO MS. SMITH

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**NOW COMES** Tia Danielle Smith (Ms. Smith), by her attorney, Wendy Alison  
Nora of ACCESS LEGAL SERVICES, and respectfully moves the Court to stay the time for  
filing her complete Motion for Reconsideration under 11 U.S.C. sec. 502(j) and Fed. R. Bankr. P.  
3008, or, in the alternative, her Motion to Alter or Amend under Fed. R. Bankr. P. 9023  
incorporation Fed. R. Civ. P. 59, or, in the further alternative, to file her Notice of Appeal, all  
from the Opinion and Order of June 3, 2016 (Doc. 9917). Her preliminary Motion for  
Reconsideration has been filed on even date herewith. Ms. Smith shows the Court:

1. This Court has the authority to stay deadlines for reconsideration and appeal in the  
interests of justice under 11 U.S.C. sec. 105(a) and Fed. R. Bankr. P. 1001.

2. Ms. Smith has meritorious issues for reconsideration and appeal, but must have access  
to the Transcript of the hearing on February 9, 2016 in order to properly prepare her Motions and,  
if necessary, a subsequent appeal.

3. Due to her demonstrated poverty, Ms. Smith has applied for a waiver of costs of the preparation of the Transcript of the hearing on February 9, 2016. (See Application for Waiver of Filing Fee and Exhibit A attached thereto filed on even date herewith.)

4. Upon information and belief, because this Court has already ordered the Transcript to be prepared, it should also be made available to the public within 90 days.

5. Failure to allow Ms. Smith access to the Transcript of the hearing on February 9, 2016 would deprive her of her rights to procedural due process under the Fifth Amendment to the *United States Constitution* solely because of her poverty.

**WHEREFORE**, Ms. Smith moves the Court stay the deadlines for Motions for Reconsideration and appeals, until she has access to the Transcript of the February 9, 2016 hearing, either by waiver of the costs of preparation of the Transcript due to her poverty or until 10 days after the Transcript is made available to the public.

Dated at Minneapolis, Minnesota this 9<sup>th</sup> day of June, 2016.

*/s/ Wendy Alison Nora*

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Wendy Alison Nora  
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**DECLARATION OF SERVICE**

Wendy Alison Nora declares, under penalty of perjury, that she filed the foregoing Motion by CM/ECF on June 9, 2016 and thereby served all parties capable of service by CM/ECF.

*/s/ Wendy Alison Nora*

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Wendy Alison Nora